

COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY

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Investigation by the Department of Telecommunications and Energy on its own Motion, pursuant to G.L. c. 159, §§ 12 and 16, into the collocation security policies of Verizon New England Inc. d/b/a Verizon Massachusetts.

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D.T.E. 02-8

**REPLY BRIEF OF XO MASSACHUSETTS, INC.**

XO Massachusetts, Inc. (“XO”) respectfully submits its reply brief in this proceeding pursuant to the Hearing Officer Memorandum Re: Procedural Schedule; Ground Rules; and Service List dated February 27, 2002 in this proceeding.

Despite testimony, discovery, and hearings, the parties know little more about Verizon’s plan then when Verizon filed its testimony on April 5. The Department still has no record evidence before it that Verizon’s plan will enhance or improve security. Verizon’s initial brief failed to provide the missing pieces from its Panel Testimony. Covad said it best when it reminded the Department, “[t]his proceeding is too important to be decided on the basis of innuendo....” Covad Initial Brief at 7. Covad is right: this proceeding is too important to implement Verizon’s plan until it provides details such as costs, expected benefits and whether there are other viable options.

Any significant changes to Central Office (“CO”) access for CLECs will have a direct and negative effect on competition in the Commonwealth. Given the current financial condition of the telecommunications industry, the Department is well-advised to move carefully in this matter. The lack of any financial information about this plan (except that Verizon claims CLECs must pay the costs as the cost causer with no information on the scope of costs) is extremely

troubling to XO as indicated in its motion to compel Verizon to provide cost data to implement its plan. *See* XO Massachusetts' Motion to Compel Verizon Responses to XO Information Requests, dated May 8, 2002. Although the Hearing Officer denied XO's motions at this phase of the proceeding, she did recognize the potential need for cost data in a later phase if the Department orders Verizon to make certain changes. Hearing Officer Ruling on Motions of XO Massachusetts, Inc. and Allegiance Telecom of Massachusetts, Inc. to Compel Responses to Information Requests at 5.

**I. THERE IS NO RECORD EVIDENCE THAT REDUCING FOOT TRAFFIC IS THE BEST SOLUTION TO IMPROVING CENTRAL OFFICE SECURITY**

Verizon's theory that reducing "foot traffic" will make the Commonwealth's telecommunications infrastructure safer<sup>1</sup> remains unproven. To prove the theory, the Department needs to have the necessary information to perform a cost/benefit analysis to ensure it was the best plan for Massachusetts which Verizon has failed to provide. Verizon states other parties' claims are unsubstantiated. Verizon Initial Brief at 2. XO does not agree that the claims are unsubstantiated but, even if they are unsubstantiated, it is only because Verizon provides few details about the costs or benefits of its plan. Allegiance gets it right when it suggests that more "foot traffic" can improve security in some situations. Allegiance Initial Brief at 9. Sprint most likely wishes there was more foot traffic in the Revere CO when Verizon employees watched someone carry Sprint's router out of the CO.

It is incredible that Verizon continues to claim that only its employees have the incentive to exercise care with its or other collocated carrier's equipment. Verizon Initial Brief at 21 citing VZ MA 1, at 22; Exh. Conversent-VZ 1-17 and Exh. XO-VZ 1-3.<sup>2</sup> To suggest only Verizon

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<sup>1</sup> Verizon Initial Brief at 1.

<sup>2</sup> Just because Verizon keeps making this unsupported claim does not make it any more correct then the first time they made it.

employees have the work ethic to respect others property or appreciate the risks of working within the CO is disingenuous and a smoke screen. Verizon claims its technicians are highly trained. Verizon Initial Brief, n. 39. This might be true but there is still significant turnover and reassignment of Verizon technicians that results in a risk of Verizon technicians doing damage to CO equipment. Covad Initial Brief at 4. As Sprint succulently states: “there is no record evidence indicating whether a Verizon technician is any more likely to commit a network-affecting unintentional act than a CLEC technician.” Sprint Initial Brief at 9 citing TR 112-13.

Verizon has failed to prove that reducing foot traffic is the best method for improving CO security. The Department should reject Verizon’s plan given the negative effect it would have on competition within the Commonwealth.

## **II. VERIZON MUST NOT BE ALLOWED TO DESIGNATE CENTRAL OFFICES AS CRITICAL AND THEREBY ONLY AVAILABLE FOR VIRTUAL COLLOCATION**

Another major concern of XO is Verizon’s plan to designate certain COs as “critical” thereby providing only virtual collocation in those COs. Panel Testimony of Verizon Massachusetts at 29. Until there are more details about making those designations (defined criteria, appropriate due process to determine critical COs, etc.) the Department must resist implementing this Verizon suggestion.

CLECs have properly raised the issue that, despite Verizon’s claim that COs with E911 tandems might be vulnerable; Verizon has failed to take any action to date to provide additional security to these critical COs. Allegiance Initial Brief at 25. Verizon’s witnesses also had no knowledge of whether any assessment had been done of risks to E911 switches in Massachusetts. Sprint Initial Brief at 6 citing TR 165-66. Verizon’s failure to take immediate actions to improve security at these critical COs or to even perform a risk assessment demonstrates that such an extreme measure of providing only virtual collocation at selected COs is not necessary.

XO urges the Department to reject Verizon’s plan for identifying some COs as critical.

### **III. CONCLUSION**

It is telling that Sprint and Qwest have been so involved in this proceeding. As CLEC, IXC, and ILEC, both companies are in a unique position to evaluate Verizon's plan. Even if they liked Verizon's plan as an ILEC but did not want to endorse Verizon's plan publicly, each could have remained silent. Instead both understand the implications to such a plan and are willing to forego the ILEC protectionism Verizon's plan provides in order to protect competition.

The CLEC Parties have demonstrated that Verizon's security proposals fail to improve network reliability and integrity and violate FCC regulations (of which Verizon might be able to obtain a waiver) and the Telecommunications Act of 1996 (which Verizon would need an act of Congress in order to get relief).

For the foregoing reasons, XO urges the Department to reject Verizon's security plan.

Respectfully submitted,  
XO Massachusetts, Inc.

Date: August 23, 2002

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## **CERTIFICATE OF SERVICE**

On this 23<sup>rd</sup> day of August 2002, I hereby certify that copies of the foregoing Letter from Karen Nations of XO Massachusetts, Inc., to Mary L. Cottrell, Secretary, Department of Telecommunications & Energy, and Reply Brief in Docket D.T.E. 02-8 were sent by electronic mail and via Federal Express or via First-Class mail, U.S. postage prepaid, to the parties on the service list.

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Karen Nations